

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SONG CHEN,

Plaintiff,

- against -

ALBERTO GONZALES, et al.,

Defendants.
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07 Civ. 7232 (VM)

CONDITIONAL
ORDER OF DISCONTINUANCE

VICTOR MARRERO, United States District Judge.

Counsel for defendants, having notified the Court, by letter dated October 15, 2007, a copy of which is attached, that the Citizenship and Immigration Services Bureau of the Department of Homeland Security has scheduled plaintiff for a naturalization oath ceremony on October 19, 2007, thus likely resolving the claims in this action without further litigation, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the resolution of the matter by plaintiff's naturalization is not consummated. Upon such notification, the defendants shall continue to be subject to the Court's jurisdiction and shall answer the complaint not later than November 14, 2007, the Court shall promptly reinstate the

action to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within thirty days of the plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

The next scheduled conference in this matter is canceled but shall be rescheduled as set forth above in the event plaintiff notifies the Court that the parties' resolution of the matter was not effectuated and that such conference is necessary to resume pretrial proceedings herein.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
16 October 2007



Victor Marrero
U.S.D.J.



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

October 15, 2007

BY HAND

The Honorable Victor Marrero
United States District Judge
United States Courthouse
500 Pearl Street, Suite 660
New York, New York 10007

Re: Song Chen v. Peter D. Keisler, et al.,
07 Civ. 7232 (VM)

Dear Judge Marrero:

This Office represents defendants in the above-referenced action challenging an alleged delay in the adjudication of plaintiff Song Chen's application for naturalization. I write respectfully to request a thirty-day extension of time, from October 15, 2007, until November 14, 2007, to respond to plaintiff's Complaint in this case.

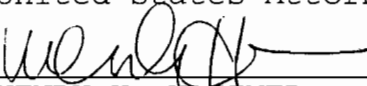
We have been notified by the Department of Homeland Security Bureau of Citizenship and Immigration Services ("CIS") that plaintiff has been scheduled for a naturalization oath ceremony. The oath ceremony, which is scheduled for October 19, 2007, will likely resolve the claims in the case. Accordingly, we respectfully request that defendants' time to respond to the complaint be extended until November 14, 2007. Plaintiff's counsel, Mr. Romben Aquino, Esq., consents to this request.

We thank the Court for its consideration of this request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:


WENDY H. WASZMER
Assistant United States Attorney
Telephone: (212) 637-2729
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cc: ROMBEN AQUINO, ESQ. (By Federal Express)
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